

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF MASSACHUSETTS

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DISTRICT OF MASS

HANS RUIGROK,

Plaintiff

v.

SCANDENT GROUP, INC.

Defendants

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C.A. File No. 04-11887 MLW

**MOTION TO BE EXCUSED FROM SCHEDULING CONFERENCE**  
**AND**  
**TO ADOPT THE JOINT STATEMENT FOR THE SCHEDULING CONFERENCE**

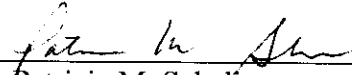
Defendant Scandent Group, Inc. moves this court to excuse its counsel from personal attendance at the initial scheduling conference, scheduled for Thursday, December 9, 2004 at 2:15 p.m. As grounds for this motion, Defendant states that it and Plaintiff have agreed to a Joint Statement for Scheduling Conference, which was filed electronically on November 24, 2004 Copy attached as Exhibit A. Further, since Defendant's counsel is located in Burlington, Vermont , personal attendance would be inconvenient.

Defendant also moves this Court to adopt the parties' Joint Statement for Scheduling Conference. Undersigned counsel is authorized to represent that Plaintiff joins in this motion.

DOWNS  
RACHLIN  
MARTIN PLLC

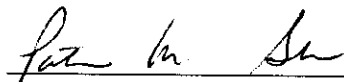
Burlington, Vermont.

December 3, 2004

  
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Patricia M. Sabalis  
BBO # 436730  
Downs Rachlin Martin PLLC  
199 Main Street, P.O. Box 190  
Burlington, VT 05402-0190  
(802) 863-2375

*Attorneys for Scandent Group, Inc.*

I hereby certify that a true copy of the above document was served upon Gregg A. Rubenstein, Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110-1832, the attorney of record for Plaintiff, by e-mail and first class mail on December 3, 2004.

  
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Patricia M. Sabalis

BTV.385632.1

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

HANS RUIGROK,

Plaintiff,

v.

SCANDENT GROUP, INC.,

Defendant.

CIVIL ACTION NO. 04-11887-MLW

**JOINT STATEMENT FOR SCHEDULING CONFERENCE**

Pursuant to Fed. R. Civ. P. 16(b), Local Rule 16.1 and this Court's Notice of Scheduling Conference, dated November 5, 2004, the parties submit this Joint Statement setting forth their proposed discovery plans and motion schedules. The parties will file separately their respective certifications.

**A. Proposed Discovery Plan**

The parties the following discovery schedule:

1. Initial Disclosures completed on or before December 31, 2004.
2. Close of discovery on July 31, 2005.
3. Plaintiff shall disclose its expert witness(es) on or before August 31, 2005.
4. Defendants shall disclose their expert witness(es) on or before September 30, 2005

**B. Proposed Motion Schedule**

The parties propose that all motions pursuant to Rule 56 be filed on or before thirty (30) days after the last expert disclosure. Oppositions to such motions shall be due within thirty (30)

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days of service. Reply Memorandum may be filed no later than ten (10) days after service of any opposition.

**C. Matters To Be Discussed At Scheduling Conference**

None.

**D. Trial By Magistrate Judge**

Neither party consents to trial by magistrate judge in this matter.

Respectfully submitted,

<p>HANS RUIGROK</p> <p>By his attorneys,</p> <p><u>/s/ G. Rubenstein</u></p> <p>Gregg A. Rubenstein (BBO #639680)</p> <p>NIXON PEABODY LLP</p> <p>100 Summer Street</p> <p>Boston, Massachusetts 02110</p> <p>(617) 345-1000</p>	<p>SCANDENT GROUP, INC.</p> <p>By its attorneys,</p> <p><u>/s/ P. Sabalis</u></p> <p>Patricia M. Sabalis (BBO #436730)</p> <p>Downs Rachlin Martin PLLC</p> <p>199 Main Street</p> <p>Post Office Box 190</p> <p>Burlington, VT 05402-0190</p> <p>(802) 863-2375</p>
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